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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,467	01/23/2004	Makiko Mori	02910.000113.	5471
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EXAMINER				
SITTA, GRANT				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/762,467

Applicant(s)

MORI, MAKIKO

Examiner

GRANT D. SITTA

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-10 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 07 September 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 4-9 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 3. See MPEP § 608.01(n).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al (6,795,091) hereinafter Kim, in view of Tsuzuki et. al (US 6,388,716) hereinafter, Tsuzuki.

5. In regards to claim 1, Kim discloses the limitations of a video display apparatus comprising:

a converting circuit (fig. 1 (23)) for executing nonlinear conversion for an input signal (fig. 1 gamma correction particular fig. 2 (31a));

an adjustment circuit (fig. 1 (23)) receiving an output of said converting circuit for adjusting the received signal on the basis of said display brightness featured value (fig. 2 (33a)); and

superimposing circuit (fig. 1 (26)) for superimposing a signal for displaying textual (fig. 6 text) information to be superimposed or a signal for displaying an icon to be superimposed on the input signal (fig. 6 (gamma) icon), wherein said superimposing circuit is placed on a stage after said adjustment circuit (fig. 1 (26 is after 23, i.e. the video comes from the vide card (21) directly to the gamma corrector (23). For the OSD, the video most go through the micro-controller (24) and then to the OSD (26), which then comes back to gamma correction (23).) and superimposes the signal for displaying textual information or the signal for displaying the signal adjusted by said adjustment circuit (fig.1 (26 flows to 23 and in the direction towards 10))

Kim differs from the claimed invention in that Kim does not explicitly disclose a display brightness featured value detecting circuit for detecting a display brightness featured value indicating a brightness of a display screen from the input signal.

However, Tsuzuki teaches a system and method for display brightness featured value detecting circuit (fig. 1 (21)) for detecting a display brightness featured value

indicating a brightness of a display screen from the input signal (col. 3-4, lines 62-7 of Tsuzuki).

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Kim to include the use of brightness detecting circuit as taught by Tsuzuki in order to provide for an automatic brightness correction apparatus as stated in (col. 2, lines 10-15 of Tsuzuki).

Therefore, Kim as modified by Tsuzuki teaches wherein said display brightness featured value detecting circuit (fig. 1 (21) of Tsuzuki) is placed on a stage after said converting circuit (fig. 1 (21) of Tsuzuki) and after said superimposing circuit (fig. 1 (21) of Tsuzuki. Examiner notes that as taught by Tsuzuki the brightness detection circuit is placed at a stage that detects the brightness directly from the screen), and

wherein said display brightness featured value detecting circuit (fig. 1 (21) of Tsuzuki) detects a display brightness featured value indicating brightness of the display screen (col. 2, lines 10-15 of Tsuzuki) in a state that the textual information or the icon is superimposed (fig. 1 (26) of Kim) , and

wherein an image is displayed on the basis of an output of said superimposing circuit (fig. 6, OSD Kim). Thus, Kim as modified by Tsuzuki teaches/suggests brightness detection of a display screen in a state that the textual information or the icon is superimposed.

6. In regards to claim 2, Kim as modified by Tsuzuki teaches wherein said adjustment circuit (fig. 1 (23)) is an adjustment circuit for adjusting the received signal

on the basis of a plurality of display brightness featured values which are sequentially detected (col. 5-6, lines 65-12). Examiner notes as taught by Tsuzuki the test pulse, which the brightness detector detects the brightness of (col. 3, lines 61-65), occurs every vertical scanning period.

7. In regards to claim 3 as dependent on claim 1, Kim teaches wherein said adjustment circuit is also an adjustment circuit for adjusting a received signal on the basis of a brightness control value relating to an adjustment of image quality (fig. 2 (33a)).

8. In regards to claim 4 as dependent on claim 1, Kim as modified by Tsuzuki teaches wherein said display brightness featured value is a sum or average value of display signals for a predetermined period (col. 6, lines 5-6 Examiner notes the test pulse of Tsuzuki is to rise by 1 or is summed every vertical scanning period).

9. In regards to claim 5 as dependent on claim 1, Kim as modified by Tsuzuki teaches wherein said display brightness featured value is the number of signals of the display signals for a predetermined period which have a greater value than a predetermined value (col. 6, lines 5-6 Examiner notes the featured value would be 0 and 1 for a vertical scanning period).

10. In regards to claim 6 as dependent on claim 1, Kim as modified by Tsuzuki teaches wherein said display brightness featured value is a sum or average value of display signals for each color (fig. 1 R,G, B of Kim) for a predetermined period. (col. 6, lines 5-6 Examiner notes the test pulse of Tsuzuki is to rise by 1 or is summed every vertical scanning period).

11. In regards to claim 7 as dependent on claim 1, Kim as modified by Tsuzuki teaches wherein said display brightness featured value is a sum or average value of brightness components (col. 3, lines 62-67) of display signals for a predetermined period (col. 6, lines 5-6 Examiner notes the test pulse of Tsuzuki is to rise by 1 or is summed every vertical scanning period).

12. In regards to claim 8 as dependent on claim 1 Kim as modified by Tsuzuki teaches wherein said display brightness featured value is a statistical value of display signals in a specific area of one display screen (col. 6, lines 5-6 Examiner notes the test pulse of Tsuzuki is to rise by 1 or is summed every vertical scanning period).

13. In regards to claim 9 as dependent on claim 1, Kim fails wherein pixels of said video display apparatus are constructed of display elements arranged in matrix.

However, Tsuzuki teaches wherein pixels of said video display apparatus are constructed of display elements arranged in matrix (fig. 14 LCD).

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Kim to include the use wherein pixels of said video display apparatus are constructed of display elements arranged in matrix by Tsuzuki in order to provide for an automatic brightness correction apparatus as stated in (col. 2, lines 10-15 of Tsuzuki) to LCD display devices since such devices comprise a significant percent of the display market.

14. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim and Tsuzuki as applied to claim 9 above, and further in view of Ono et al (6,636,209) hereinafter, Ono.

15. In regards to claim 10, Kim as modified by Tsuzuki as applied to claim 9 teaches and said display brightness featured value detecting circuit generates said display brightness featured value on the basis of a value of current emitted from said display (fig. 1 (21) of Tsuzuki). Examiner notes with any display current is need to generate a picture and since the Tsuzuki brightness detection is based on the brightness which is generated from such current.

Kim as modified by Tsuzuki as applied to claim 9 above fails to teach wherein said display elements are electro-emission elements.

However, Ono teaches wherein said display elements are electro-emission elements (col. 1, lines 7-13 of Ono).

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Kim to include the use wherein said display elements are electro-emission elements as taught by Tsuzuki in order to provide for an automatic brightness correction apparatus as stated in (col. 2, lines 10-15 of Tsuzuki) to electro-emission display devices since such devices comprise a percent of the display market.

Response to Arguments

16. Applicant's arguments filed 9/30/2008 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, as discussed above, Kim currently differs from the claimed invention in that Kim does not explicitly disclose a display brightness featured value detecting circuit for detecting a display brightness featured value indicating a brightness of a display screen from the input signal.

However, Tsuzuki teaches a system and method for display brightness featured value detecting circuit (fig. 1 (21)) for detecting a display brightness featured value

indicating a brightness of a display screen from the input signal (col. 3-4, lines 62-7 of Tsuzuki).

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Kim to include the use of brightness detecting circuit as taught by Tsuzuki in order to provide for an automatic brightness correction apparatus as stated in (col. 2, lines 10-15 of Tsuzuki).

Examiner notes that Kim as modified by Tsuzuki is being relied upon to teach or suggest the order of signal processing as set forth in claim 1. Tsuzuki teaches a system and method for display brightness featured value detecting circuit (fig. 1 (21)). The display brightness detector of Tsuzuki is placed on a final stage which detects the brightness of the image displayed by the video image display device (col. 3-4, lines 63-8) and corrects the brightness level of the video signal based on detected deviation (abstract). The brightness information detector of Tsuzuki placed on a final stage of Kim would detect display brightness featured value indicating a brightness of a display screen from the input signal (input signal which is displayed on the "display part"). The combination of Kim and Tsuzuki would consider all information displayed including an on-screen display (OSD).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GRANT D. SITTA whose telephone number is (571)270-1542. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on 571-272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sumati Lefkowitz/
Supervisory Patent Examiner, Art Unit 2629

/Grant D Sitta/
Examiner, Art Unit 2629
November 17, 2008